

1 Mark G. Tratos (Bar No. 1086)
2 Ronald D. Green Jr. (Bar No. 7360)
3 Laraine M. I. Burrell (Bar No. 8771)
4 Andrew D. Sedlock (Bar No. 9183)
5 GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway
Suite 500 North
Las Vegas, Nevada 89169
Telephone: (702) 792-3773
Facsimile: (702) 792-9002

Counsel for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Wynn Resorts Holdings, LLC, a Nevada
Limited Liability Company,

Case No. CV-S-05-1443-LDG-LRL

Plaintiff,

AMENDED DEFAULT JUDGMENT

v.

Elliot Fisher, an individual.

Defendant.

Plaintiff Wynn Resorts Holdings, LLC, having filed a Motion for Entry of Default
ent against Defendant Elliot Fisher pursuant to Rule 55 of the Federal Rules of Civil
dure; the Defendant having failed to respond to, or answer, Plaintiff's Complaint
usly served upon Defendant; the Clerk of the Court having entered Default against
dant on July 26, 2006; this Court having now given due consideration to Plaintiff's
n for such judgment as well as papers, pleadings, and exhibits offered in support
f; and the Court being further fully advised in the matter and there having been no
rance made by Defendant, it is therefore,

1 ORDERED, ADJUDGED and DECREED that Judgment be entered in favor of
2 Plaintiff Wynn Resorts Holdings, LLC, and against Defendant Elliot Fisher, on all counts of
3 Plaintiff's Complaint; and, it is further ordered and adjudged that said Judgment shall
4 include the following specific findings of fact and award of specific relief:

- 5 a. Plaintiff Wynn Resorts Holdings, LLC, is the owner of certain WYNN
6 trademarks and variations thereof used in relation to casino and resort-hotel
7 and travel reservation services as identified in the Complaint;
- 8 b. Plaintiff Wynn Resorts Holdings, LLC's WYNN marks are famous;
- 9 c. Defendant registered and used the Infringing Domain Names
10 <wynnninmacau.com>, <wynnhongkong.com> and <wynnatlanticcity.com>
11 with the bad faith intent to profit from his use of Plaintiff's marks;
- 12 d. Defendant offered to sell the Infringing Domain Names through his websites
13 accessible at <wynnninmacau.com>, <wynnhongkong.com> and
14 <wynnatlanticcity.com>;
- 15 e. Plaintiff and Defendant are competitors and the respective services offered by
16 each are similar;
- 17 f. Defendant's use of the term WYNN in connection with his services is likely to
18 cause confusion as to the source and origin of Defendant's services;
- 19 g. Defendant's use of the term WYNN in connection with his services has and is
20 likely to continue to cause dilution of Plaintiff Wynn Resorts Holdings, LLC's
21 WYNN marks;
- 22 h. Should Defendant's use of the term Wynn continue, Plaintiff will continue to
23 suffer irreparable injury to its good will and reputation which was established
24 through use of the WYNN marks and for which an award of damages would
25 be inadequate.
- 26 i. Should Defendant's use of the term WYNN continue, Plaintiff will continue to
27 suffer irreparable injury as the Wynn marks will lose their capacity to identify

1 its goods and services; i.e., they will be diluted, for which an award of
2 damages would be inadequate;
3 j. Defendant acted willfully in his infringement and dilution of the WYNN marks;
4 and
5 k. Defendant is liable for his infringement, dilution, unfair competition and
6 cybersquatting.

7 THEREFORE, IT IS HEREBY ORDERED that the Defendant Elliot Fisher, his
8 respective officers, agents, servants, employees, and/or all persons acting in concert or
9 participation with him, (1) from using Plaintiff's trademarks or confusingly similar variations
10 thereof, alone or in combination with any other letters, words, letter strings, phrases or
11 designs, in commerce or in connection with any business or for any other purpose
12 (including, but not limited to, on web sites and in domain names); and (2) from registering,
13 owning, leasing, selling or trafficking in any domain name containing Plaintiff's trademarks
14 or confusingly similar variations thereof, alone or in combination with any other letters,
15 words, phrases or designs;

16 IT IS FURTHER ORDERED that Verisign, Inc., the registry, shall be required under
17 15 U.S.C. § 1125 (d)(2)(D)(i) to change the registrar of record for the domain names
18 <www.wynninmacau.com>, <www.wynnhongkong.com>, and <wynnatlanticcity.com> to
19 Tucows, Inc., which will subsequently permanently transfer the <www.wynninmacau.com>,
20 <www.wynnhongkong.com>, and <wynnatlanticcity.com> domain names to Plaintiff;

21 IT IS FURTHER ORDERED that Defendant pay Plaintiff \$1,000 in nominal damages
22 for corrective advertising;

23 IT IS FURTHER ORDERED that Defendant pay Plaintiff statutory damages of
24 \$100,000;

25 IT IS FURTHER ORDERED that Defendant pay Plaintiff's attorneys' fees and costs
26 in the amount of \$4,032.40;

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1 IT IS FURTHER ORDERED that Plaintiff's cash deposit of Three Hundred Dollars
2 (\$300.00) be released from the Registry Account of this Court and returned to Greenberg
3 Traurig.

4 IT IS FURTHER ORDERED that jurisdiction of this case shall be retained by this
5 Court for the purpose of enforcement of this Judgment.

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UNITED STATES DISTRICT JUDGE

DATED: 9 Mar 2007

Submitted by:

GREENBERG TRAURIG, LLP

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Ronald D. Green Jr. (Bar No. 7360)
Laraine M. I. Burrell (Bar No. 8771)
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Counsel for Plaintiff